

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|-------------------------|---|---------------------------|
| ANTHONY SIDES, |) | |
| |) | Civil Action No. 03 - 494 |
| Plaintiff, |) | |
| |) | Judge Gary L. Lancaster |
| v. |) | |
| |) | |
| OFFICER CHERRY, ET AL., |) | |
| |) | |
| Defendants. |) | |

ORDER


A review of the record in the instant case indicates that jury selection and trial was scheduled to begin before the undersigned on Tuesday, September 4, 2007 pursuant to this court's order, dated June 20, 2007 [document #84]. That same order set a deadline of July 30, 2007 for plaintiff pro se to submit any request for writs of Habeas Corpus Ad Testificandum, as well as detained affidavits and proffers, for any incarcerated witnesses he wished to call at trial. This deadline was imposed to allow sufficient time for the transportation and housing of each allowed witness in advance of trial. Further review of the record indicates that plaintiff submitted his first request for a Writ on August 6, 2007 [document #93] and supplemental requests on August 20, 2007 [documents #97 and #98].

While the Court could deny the requests as untimely, to do so would severely impact plaintiff's ability to present his case. Furthermore, upon review of the materials submitted by plaintiff, the court finds that production of two of the witnesses he seeks to call, Sean Jackson, EC-7845, and Rick Douglas, AP-4903, is warranted. However, due to his delinquent filings, it would be impossible to produce these witnesses before trial on this matter.

Therefore, this ²⁹day of August, 2007, **IT IS HEREBY ORDERED** that jury selection and trial in the instant matter is continued to Monday, September 24, 2007 at 9:30 a.m. in Courtroom #3A, 3rd floor, United States Courthouse, Pittsburgh, Pennsylvania. The United States Marshal shall produce plaintiff for jury selection and trial on that date, as directed in the Court's trial management order of June 20, 2007 [document #84].

IT IS FURTHER ORDERED that the United States Marshal and the Superintendent of the State Correctional Institution in Camp Hill, Pennsylvania, have Sean Jackson, EC-7845, present before the undersigned for testimony in the instant case on Monday, September 24, 2007. Upon completion of his testimony, Sean Jackson, EC-7845, shall be returned to the custody of the Superintendent of the State Correctional Institution in Camp Hill, Pennsylvania.

IT IS FURTHER ORDERED that the United States Marshal and the Superintendent of the State Correctional Institution in Greene, Pennsylvania, have Rick Douglas, AP-4903, present before the undersigned for testimony in the instant case on Monday, September 24, 2007. Upon completion of his testimony, Rick Douglas, AP-4903, shall be returned to the custody of the Superintendent of the State Correctional Institution in Camp Hill, Pennsylvania.



Gary L. Lancaster,
United States District Judge